

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CA NO. 93-1244-JP
	)	
v.	)	
	)	
SOCORRO COUNTY, NEW MEXICO;	)	
SOCORRO COUNTY BOARD OF	)	
COMMISSIONERS; DENNIS HARRIS,	)	
Chairperson of the Socorro County	)	
Board of Commissioners; DANIEL MONETTE,	)	
MARCOS GONZALEZ, LAUREL ARMIJO, and	)	
ROSIE TRIPP, Members of the Socorro	)	
County Board of Commissioners;	)	
and AUDREY JARAMILLO, Socorro	)	
County Clerk,	)	
	)	
Defendants.	)	
_____	)	

JOINT STIPULATION

The United States, Socorro County, and all other remaining defendants (who collectively will be referred to as "the County"), agree through their undersigned counsel to the following Joint Stipulation.

Socorro County has been subject to Section 203 of the Voting Rights Act, 42 U.S.C. 1973aa-1a, since 1984 with respect to the Navajo language. In 1992 and 2002, the County's coverage under Section 203 for the Navajo language was extended based upon determinations made by the Director of the Bureau of the Census pursuant to the Voting Rights Act.

Section 203 requires that all voting materials provided by Socorro County in English about "registration or voting notices,

forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots," must be provided in the Navajo language to the extent that it is needed to allow language minority group members to participate in the electoral process. 42 U.S.C. 1973aa-1a(c). The provisions of Section 203 apply to all stages of the electoral process, "including, for example the issuance, at any time during the year, of notifications, announcements, or other informational materials concerning the opportunity to register, the deadline for voter registration, the time, places and subject matters of elections, and the absentee voting process." *Attorney General's Procedures for the Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups*, 28 C.F.R. 55.15. Because the Navajo language is historically an unwritten language, the County is only required to furnish "oral instructions, assistance, or other information relating to registration and voting" in the Navajo language. 42 U.S.C. 1973aa-1a(c); see also 28 C.F.R. 55.12(c).

The United States initiated this action on October 22, 1993, alleging violations of Sections 2 and 203 of the Voting Rights Act, 42 U.S.C. 1973, 42 U.S.C. 1973aa-1a. The United States alleged that the violations arose from Socorro County's election practices and procedures as they affect Native American citizens

of the county, including those Native American citizens who rely in whole or in part on the Navajo language.

The County does not contest that prior to 1994, it failed to make the election process in Socorro County equally available to Native American and non-Native American citizens as required by Section 2 of the Voting Rights Act and the Fourteenth and Fifteenth Amendments, nor does the County contest that in past elections it failed to comply fully with the minority language requirements of Section 203. On April 11, 1994, this Court entered a Consent Agreement ("the Agreement") between the parties instituting the Native American Election Information Program ("the Program") in Socorro County to remedy past non-compliance with federal law. The Agreement expired on December 31, 2003. On December 29, 2003, the United States submitted to the Court an unopposed motion to extend the original Agreement until January 31, 2004. On January 16, 2004, the Court granted the motion.

Pursuant to the Agreement, the United States assigned federal observers to monitor elections, and conducted extensive investigations of the actions of Socorro County in complying with the Agreement and Section 203 of the Voting Rights Act from 1994 through 2003. During this period, Socorro County made significant progress in making the election process accessible to the Native American population of the County. Reports of federal observers who monitored elections have demonstrated, however,

that Socorro County failed to furnish all instructions, assistance and other information relating to voting orally in the Navajo language, in violation of the Agreement. The parties agree that this constitutes good cause under paragraph 5, page 8, to permit the further extension of the Agreement. The parties further agree that modifications in the Native American Election Information Program are necessary to ensure full compliance with the relevant provisions of federal law in the future.

Accordingly, the parties stipulate to the following:

1. The County shall make all phases of the election process as accessible to the Navajo population of Socorro as they are to the remainder of the County's population. Accordingly, the County shall provide information, publicity, and assistance in the Navajo language for voter registration, voter registration cancellation, absentee voting, early voting, procedures at the polls, translation of the ballot, and training of polling officials and translators as outlined in the attached Native American Election Information Program.

2. To assist in the effectiveness of this Joint Stipulation and to ensure the continued enforcement of the guarantees of the Voting Rights Act and the Fourteenth and Fifteenth Amendments of the Constitution, Socorro County shall remain designated for federal examiners pursuant to Section 3(a) of the Voting Rights Act, 42 U.S.C. 1973(a), which enables the

appointment of federal observers. Socorro County recognizes the authority of federal observers to observe all aspects of the voting process conducted in the polls on election day, including assistance to voters in the voting booth provided that the voter does not object to being observed.

3. The parties agree that it shall not be necessary to extend the time that the County is required to seek preclearance of voting changes pursuant to Section 3(c) of the Voting Rights Act, 42 U.S.C. 1973a(c).

4. The parties stipulate to changes in Socorro County's Native American Election Information Program in order to simplify its provisions and increase its efficacy. The revised version of the Program is attached to this Joint Stipulation and incorporated in its terms.

5. The County acknowledges that permanent procedures need to be instituted in order to ensure ongoing compliance with Sections 2 and 203 of the Voting Rights Act, 42 U.S.C. 1973, 1973aa-1a, and the Fourteenth and Fifteenth Amendments to the Constitution. During 2004, defendant county commissioners shall meet for the purpose of enacting into local law the revised Native American Election Information Program for use in future elections in Socorro County.

6. This Joint Stipulation shall remain in effect through January 31, 2005, and its terms replace all requirements and terms set out in the original Agreement.

7. The Court shall retain jurisdiction of this case to enter further relief or such other orders as may be necessary to enforce compliance with the terms of this Joint Stipulation and with Sections 2 and 203 of the Voting Rights Act and the Fourteenth and Fifteenth Amendments to the Constitution.

Agreed and stipulated to on this \_\_\_\_ day of \_\_\_\_\_,  
2004.

For Plaintiff:  
UNITED STATES OF AMERICA

For Defendants:  
SOCORRO COUNTY

DAVID C. IGLESIAS  
United States Attorney

R. ALEXANDER ACOSTA  
Assistant Attorney General

---

CYNTHIA R. WIMBERLY  
P.O. Box 1  
Socorro, NM 87801

---

JOSEPH D. RICH  
GAYE L. TENOSO  
TIMOTHY C. LAMBERT  
Attorneys, Voting Section  
Civil Rights Division  
Department of Justice  
Room 7254-NWB  
950 Pennsylvania Avenue  
Washington, D.C. 20530  
202-616-4227

THE NATIVE AMERICAN ELECTION INFORMATION PROGRAM

I. Native American Voting Rights Coordinator

A. Socorro County ("the County") shall employ a Native American Voting Rights Coordinator ("the Coordinator") who will coordinate the Native American Election Information Program ("the Program") in Socorro County. The Coordinator shall be fluent in Navajo and English, and shall serve primarily the area of the Alamo Chapter of the Navajo Nation.

B. In the event of a vacancy in the Coordinator position, the County shall invite officials of the Alamo Chapter to recommend at least four qualified applicants fluent in English and Navajo. The County may also solicit applicants through its normal job selection process and shall select the most qualified candidate, who otherwise satisfies any County employment requirements, from all available applicants.

C. The County shall train the Coordinator in all aspects of the election process. The Coordinator shall be fully briefed by County officials regarding the Coordinator's role in ensuring the County's compliance with Section 203 of the Voting Rights Act ("the Act") and the provisions of this Program.

D. The Coordinator shall attend, with the permission of the appropriate tribal officials, Alamo Chapter meetings, and such other public meetings, gatherings, tribal fairs, and public functions held at the Alamo Chapter as the Coordinator's schedule shall permit. During these events, the Coordinator shall, as

appropriate, (1) announce the date of the next scheduled election, the offices open for election, and any non-candidate provisions which shall appear on the ballot; (2) announce the availability of voter registration and the deadlines for registration; (3) provide an opportunity to register to vote by making voter registration applications available and offering Navajo language assistance in filling out the applications; (4) announce any scheduled training for election translators and invite the public to attend; and (5) conduct at least one voter registration drive.

E. The Coordinator shall post the election schedule and all other election-related information at the Chapter House, clinic, and school, and ensure that voter registration applications are available in plain view to interested individuals at each location.

F. Beginning sixty days before any election and continuing through election day, the Coordinator shall ensure that at least three announcements a day in Navajo are made on the radio station KABR containing information on: (1) the date of the next election; (2) the offices, constitutional amendments, and/or propositions on the ballot; (3) opportunities to register to vote and the deadline for registering before the election; (4) the availability of absentee balloting; (5) the availability of trained translators at the polls on election day; (6) the name

and telephone number of the Coordinator who can be contacted to receive more detailed information about the election; and (7) the right of each voter to oral assistance in Navajo from either the County's translators or a person of the voter's choice provided that person is not the voter's employer, an agent of that employer, or officer or agent of the voter's union. See 42 U.S.C. 1973aa-6. In addition, the Coordinator shall ensure that during this period, taped Navajo translations of the ballot made by either the Office of the New Mexico Secretary of State ("the Secretary of State's office") or the Coordinator are broadcast on radio station KABR at least once a day either as public service announcements or as paid advertising if necessary to guarantee their broadcast.

G. Before any election, the Coordinator shall organize and conduct translation training for all election workers who may provide Navajo language assistance at the Alamo Chapter polling place on election day ("translators"). The training shall include: (1) how to translate the entire ballot into Navajo, (2) practicing the translation of the ballot with each translator, and (3) correcting any errors in translation. The translation of the ballot by each translator shall be made according to the taped Navajo translations made by the Secretary of State's office, if such tapes are available. If standardized translations by the Secretary of State's office are not

available, the Coordinator shall record a taped translation of the entire ballot, make the tape available to the translators, and train them in this translation at the training session. If the ballot contains offices or ballot proposition(s) specific to Socorro County for which the Secretary of State's office has not provided a Navajo language translation, the Coordinator shall record a taped translation of the offices and/or proposition(s), make the tape available to the translators and train them in this translation at the training session. Training sessions shall be held at convenient locations within the Alamo Chapter, as permitted by tribal officials, and shall be open to the public.

H. The Coordinator shall be available as needed at the Chapter House to assist in voter registration or to answer election-related questions when not engaged in the other activities required under this Program.

I. The County shall establish a travel, supply, and telephone budget for the Coordinator sufficient to cover expenses incurred in carrying out the Coordinator's duties in fulfilling the objectives of this Program.

## II. Intergovernmental Coordination

In administering the Program, the County and its Coordinator shall:

A. Request and accept all training, materials, and services available from the State of New Mexico in furtherance of

the implementation of this program. The Coordinator shall attend all election-related seminars or training sessions conducted by the Secretary of State's office, including the Coordinator and/or County Clerk meetings sponsored by the New Mexico Native American Election Information Program.

B. Encourage contact and collaboration with other counties engaged in similar language assistance programs.

C. Invite assistance by the Navajo Elections Administration and officials of the Alamo Chapter as needed to administer the Program.

### III. Translations

A. The County shall ensure that taped and/or written versions of the Navajo language translations of the statewide offices and ballot propositions to appear on the ballot provided by the Secretary of State's office are delivered to the Coordinator as soon as they are available. One copy of all written translations shall be provided to each person employed by the County to translate the ballot into Navajo on election day. Taped versions of the translations and playback equipment shall be made available to the translators during their translation training and on election day at the Alamo Chapter polling place.

B. The County shall provide the Coordinator tape recording and playback equipment and a sufficient supply of blank tapes for use in translator training.

C. During elections, translation into Navajo of the ballot shall be provided according to the written and/or taped translations made by the Secretary of State's office, to the extent such translations are available.

IV. Election Day Procedures

A. The County shall provide four voting machines to the Alamo Chapter polling place.

B. The County shall assign at least one trained translator to the Alamo Chapter polling place for every voting machine.

C. Polling place translators shall orally advise voters of the availability of Navajo language assistance.

D. Any voter requesting Navajo language assistance from polling place translators shall be provided a full and complete translation of each office, the party (when appropriate) of each candidate, all ballot propositions, and relevant instructions on how to cast a ballot and the use of the voting machine (including, when appropriate, instructions on write-in votes), and shall be read all candidates' names for each office.

V. Voter List Maintenance

At least 30 days before any Alamo Chapter registrants are sent notice of the potential cancellation of their registration in accordance with Section 8(d)(2) of the National Voter Registration Act of 1993 ("NVRA"), 42 U.S.C. 1973gg-6(d)(2), a list of the names and addresses of these registrants shall be

provided to the Coordinator. If the Coordinator or tribal officials confirm in writing prior to the expiration of the thirty (30) day period that any registrant on the list still lives in the County and remains eligible to vote there, that registrant shall not be sent a notice of potential cancellation and shall be maintained on the list of eligible voters provided that the Coordinator or tribal officials also provide the current registration address of the registrant. The Program does not otherwise prohibit the proper authorities from removing from the voter list those ineligible to vote by reason of a change of address, assuming that the requirements of the NVRA are met.

VI. Records

For each election, the Coordinator shall record each activity that is performed in compliance with this Program on the Summary of Activities Form appended herein. Within 30 days after each election, the Coordinator shall submit the completed form to the County Clerk and shall make copies available, upon request, to the United States.

VII. Modifications to the Program

Before making any modifications in this Program, the County shall consult in good faith with Navajo tribal officials from the Alamo Chapter, and shall not make any changes that do not comply with Section 203. The County shall provide notice to counsel for the United States of the proposed changes.

SUMMARY OF ACTIVITIES OF SOCORRO COUNTY, NEW MEXICO  
NATIVE AMERICAN VOTING RIGHTS COORDINATOR  
FOR THE ELECTION

Presentations of election information by the Coordinator:

[illegible]



Posting or distribution of election materials by Coordinator:

[illegible]

Other meetings attended by Coordinator (for example, with County or State officials):

[illegible]

Training of poll workers organized and conducted by Coordinator:

Date	Place	PW*	O**	Description of training

\* Number of poll workers who attended the training.

\*\* Number of other persons, such as members of the public, who attended the training.

Number of voters registered by the Coordinator since the last election: \_\_\_\_\_

Other activities of the Coordinator, including voter registration drives:

[illegible]